

REMARKS

Claims 1-19 remain pending in the present application.

In the Office Action, the Examiner maintains the objection to the amendment that was filed on December 12, 2007. The Examiner indicates that she has considered the arguments Applicants presented in the Response that was filed on July 7, 2008.

However, the Examiner asserts that Applicants have not provided evidentiary support as to why the term “swaging” is a better translation than “caulking”. Applicants strongly disagree.

The Japanese term at issue, which is found in page 7, line 27 and page 9, line 5 of the International Application Publication (WO03/065492) is “かしめ”. This term has multiple meanings, and can be literally translated as either “caulking” or “swaging”. For the Examiner’s convenience, Applicants have attached a printout of an online Japanese-English translation website evidencing the same.

On December 12, 2007, Applicants submitted a verified English language translation of the paragraphs of the International Application Publication containing the above-noted Japanese term. This translation was provided by a translator well acquainted with both the Japanese and English languages. The translated paragraphs state that the fixing groove 13 is formed by “swaging” the outer case 2. Applicants submit that this is consistent with other parts of Applicants’ disclosure. For example, Applicants draw the Examiner’s attention to page 11, lines 19-24 of the specification, which states that “a fixing groove 13 is formed by a drawing process using a suitable jig from outside the case 2”.

Thus, although “caulking” is one literal translation of the Japanese term, Applicants respectfully submit that “swaging” is clearly a more accurate translation, based on the context in which the term is used. As Applicant have previously pointed out, “caulking” an external surface of the outer case 2 clearly would not cause the fixing groove 13 to be formed; however, “swaging” the external surface of the outer case 2 would cause the fixing groove 13 to be formed.

Accordingly, Applicant respectfully request that the Examiner enter the amendments to the specification which were included in the response filed on December 12, 2007.

In the Office Action, the Examiner rejected claims 2, 4 and 13-15 under 35 U.S.C. §102(b) as being anticipated by Terashi (Japanese Patent Publication No. 2000-340210). Alternatively, the Examiner rejected claims 2, 4 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Terashi.

Applicants’ claim 2 recites a battery which includes, inter alia, an electrode assembly including a positive electrode plate and a negative electrode plate. Core materials of the positive and negative electrode plates are bared at ends of the electrode assembly. The battery also includes a lid. The lid contacts and is welded to the bared portion of the core material of one of the electrode plates.

Terashi discloses a battery which includes an electrode object 2, an obturation plate 11, a current collection section 5 and a current collection member 4. The electrode object 2 includes a positive electrode 21 and a negative electrode 23, and the current collection member 4 includes a monotonous section 43 and a tab section 42. See, e.g.,

Figure 1 of Terashi, and paragraphs [0013] – [0017] of the English language translation of Terashi.

In the Response of July 7, 2008, Applicants argued that Terashi's lid 11 does not contact the electrode plates of the electrode object 2. On page 14 of the Office Action, the Examiner notes that the claims do not require the lid to be in "direct" contact with the electrode plates. Nevertheless, Applicants respectfully submit that it unreasonable to construe Terashi's lid 11 as contacting the electrode object 2, as the lid 11 clearly does not touch the electrode object 2. Instead, the lid 11 is spaced apart from the electrode object 2, and electrically connected via tab section 42, monotonous section 43 and current collection section 5. See Fig. 1 of Terashi.

For at least these reasons, Applicants respectfully submit that the invention recited in Applicants' claim 2 is neither anticipated by nor obvious over Terashi, and thus, request that the Examiner withdraw the rejections under 35 U.S.C. §§102(b) and 103(a), and allow claim 2.

Applicants submit that claims 4, 13-15 and 19 are also in condition for allowance, in view of their dependency from claim 2.

In the Office Action, the Examiner rejected claims 1, 3, 6-8, 10, 11, 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Marukawa (U.S. Patent No. 5,900,332).

Applicants' claim 1 recites a battery which includes, inter alia, an electrode assembly including a positive electrode plate and a negative electrode plate. Core materials of the positive and negative electrode plates are bared at ends of the electrode

assembly. The battery also includes a lid. The lid contacts and is welded to the bare portion of the core material of one of the electrode plates of the electrode assembly.

As discussed above, Terashi fails to disclose or suggest a battery which includes an electrode assembly including a positive electrode plate and a negative electrode plate, and a lid, where core materials of the positive and negative electrode plates are bared at ends of the electrode assembly, and the lid contacts and is welded to the bared portion of the core material of one of the electrode plates. Applicants submit that Marukawa also fails to disclose or suggest these features.

Thus, Applicants submit that the invention recited in Applicants' claim 1 is not obvious over the combined teachings of Terashi and Marukawa, and thus, request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) and allow claim 1.

Applicants submit that claims 3, 6-8, 10, 11, 17 and 18 are also in condition for allowance, in view of their dependency from claim 1.

In the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Marukawa, and further in view of Ikoma (U.S. Patent No. 5,663,007), rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Ikoma, and rejected claims 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Marukawa, and further in view of Tucholski (U.S. Patent Application Publication No. 2002/0031705) and the American Heritage Dictionary.

Applicants respectfully submit that Ikoma, Tucholski and the American Heritage Dictionary fail to overcome the above-noted deficiencies of Terashi and Marukawa, and

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thus, respectfully submit that claims 5, 9, 12 and 16 are in condition for allowance, in view of their dependency from claims 1 and 2.

Based on the above, it is respectfully submitted that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

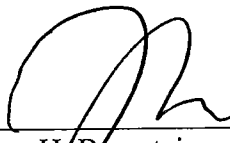
SUMMARY AND CONCLUSION

Reconsideration of the outstanding Office Action and allowance of the present application and all of the claims therein are respectfully requested and believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have done so.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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Enclosure: Printout from Japanese-English translation website (<http://eow.alc.co.jp/>)



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